

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VR OPTICS, LLC,

Plaintiff,

-v-

PELOTON INTERACTIVE, INC.,

Defendant.

16-CV-6392 (JPO)

PELOTON INTERACTIVE, INC.,

Third-Party Plaintiff,

-v-

VILLENCY DESIGN GROUP, LLC; ERIC
VILLENCY; and JOSEPH COFFEY,

Third-Party Defendants.

**NOTICE OF MOTION FOR SUMMARY
JUDGMENT AS TO CLAIMS AGAINST
VILLENCY DESIGN GROUP, ERIC
VILLENCY AND JOSEPH COFFEY**

ORAL ARGUMENT REQUESTED

Dated: July 1, 2019

Respectfully submitted,

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**Attorneys for Defendant and Third-Party
Plaintiff PELOTON INTERACTIVE, INC.**

PLEASE TAKE NOTICE that, upon the Memorandum of Law filed concurrently herewith, the Local Rule 56.1 Statement of Material Facts in Support of Summary Judgment filed concurrently herewith, and the Declaration of Steven Schortgen filed concurrently herewith, and all the other papers and pleadings filed with the Court, Defendant and Third-Party Plaintiff Peloton Interactive, Inc. (“Peloton”) hereby moves this Court, before the Honorable Paul J. Oetken, U.S.D.J., in the United States District Court for the Southern District of New York, Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, Courtroom 706, at a date and time to be set by the Court for an order granting Peloton’s Motion for Summary Judgment as to Claims Against Villency Design Group, Eric Villency and Joseph Coffey on Peloton’s claims that: (1) Villency Design Group (“VDG”) breached the parties’ 2012 agreement; (2) VDG breached the parties’ 2014 agreement; (3) VDG violated the covenant of good faith and fair dealing; (4) Peloton is entitled to summary judgment against VDG for fraudulent concealment because VDG owed Peloton a duty to disclose the purchase of the ‘513 Patent and concealed its involvement in the ‘513 Patent purchase with the intent that Peloton not take action, such that Peloton relied on VDG’s silence and did not take action, suffering damages as a result of VDG’s fraudulent concealment; and (5) Eric Villency and Joseph Coffey tortiously interfered with Peloton’s contractual relationship with VDG because each knew about the 2012 and 2014 agreements and intentionally and improperly procured VDG’s breach of those agreements for their individual benefit. Peloton has suffered proximate damages as a result of each of the claims set forth above.

PLEASE TAKE FURTHER NOTICE that, in accordance with the Court’s Order dated May 24, 2019, Plaintiff’s opposition papers to Peloton’s motion, if any, are to be served on or before August 1, 2019, and Peloton’s reply papers are to be served on or before August 15, 2019.

Dated: New York, New York
July 1, 2019

Respectfully submitted,

Steve Schortgen

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